

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RON PORTER

Plaintiff,

v.

FARMERS INSURANCE COMPANY, INC.,

Defendants.

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Case No.: CIV-14-172-HE

**NOTICE OF REMOVAL BY
FARMERS INSURANCE COMPANY, INC.**

COMES NOW, Defendant, Farmers Insurance Company, Inc. (hereinafter “Farmers”), and pursuant to 28 U.S.C. §§ 1332 and 1441 submits this Notice of Removal of the referenced action from the District Court of Cleveland County, State of Oklahoma, to this Court. In support of its notice of removal, Farmers states as follows:

1. On January 29, 2014, Plaintiff filed a Petition in the District Court of Cleveland County, State of Oklahoma, against Farmers. The case was assigned Case No. CJ 2014-115 (“the State Court Action”).

2. A copy of the summons was received by the Insurance Commissioner as designated agent for service of process of foreign insurance companies doing business in the State of Oklahoma on February 5, 2014 .

3. Farmers subsequently received noticed from the Insurance Commissioner of the summons and Petition on February 5, 2014

4. The Notice of removal is being filed within thirty (30) days after service. The Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

5. Farmers is an insurance company with its principal place of business in either the

state of California or the State of Kansas.

6. Plaintiff is a citizen of Cleveland County, Oklahoma

7. Plaintiff is asserting claims alleging breach of contract, breach of the duty of good faith and fair dealing and fraud. Plaintiff is claiming damages for anxiety, worry, embarrassment, mental and emotional distress, financial hardship as well as incidental damages. Based on these allegations, it is clear Plaintiff's claims are for an amount in excess of \$75,000.

8. The diversity and amount in controversy requirements of §1332 are met in this case and removal to the United States District Court for the Western District of Oklahoma is therefore proper under § 1441.

9. Pursuant to 28 U.S.C. § 1446(a) and LCvR81.2 a copy of the original Petition filed in the captioned proceeding is attached as Exhibit "1", a copy of the docket sheet of the case is attached as Exhibit "2", and copies of all remaining documents filed or served in this case are attached hereto and marked collectively as Exhibit "3".

Respectfully submitted,

/s/ Bart Jay Robey

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CERTIFICATE OF SERVICE

This is to certify that on the 24th day of February, 2014, I served a copy of the foregoing document by United States Mail, postage prepaid, addressed to the following and I electronically transmitted the attached document to the Clerk of the Court using ECF System for filing. Based on the electronic records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following recipients:

Gaylon C. Hayes, OBA # 14492
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/s/ Bart Jay Robey